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6  
7 IN THE UNITED STATES DISTRICT COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9  
10 UNITED STATES OF AMERICA, )  
11 v. Plaintiff, ) No. CR 12-00751 SBA (KW)  
12 ) STIPULATION AND [PROPOSED]  
13 ) ORDER CONTINUING STATUS  
14 HUMBERTO VARELA, ) DATE; EXCLUSION OF TIME  
15 Defendant. )  
15 \_\_\_\_\_)

16 **STIPULATION**

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the status date in  
18 the above-referenced case, currently set for March 7, 2013, at 9:30 a.m. before Magistrate Judge  
19 Kandis Westmore for status, may be continued to March 14, 2013, at 9:30 a.m. for status. The  
20 reason for the request is that defense counsel needs additional time to review discovery with Mr.  
21 Varela and continue with the investigation. Counsel is also discussing a proposed disposition with  
22 the government. It is further stipulated that time should be excluded in accordance with the  
23 provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) between March 7, 2013,  
24 and March 14, 2013, for effective preparation taking into account due diligence so defense counsel  
25  
26

1 can meet with Mr. Varela and also continue with the investigation in this case.

2 DATED: 2/28/13

3 \_\_\_\_\_  
4 /s/  
5 JOYCE LEAVITT  
6 Attorney for Humberto Varela

7 DATED: 2/28/13

8 \_\_\_\_\_  
9 /s/  
10 ANDREW HUANG  
11 Assistant United States Attorney

12 I hereby attest that I have permission of the parties to enter a conformed signature (/s/) for all  
13 signatures within this e-filed document.

14 **ORDER**

15 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status date in the above-  
16 referenced case, currently set for March 7, 2013, at 9:30 a.m. before Magistrate Judge Kandis  
17 Westmore for status, is hereby continued to March 14, 2013, at 9:30 a.m. for status.

18 IT IS FURTHER ORDERED that time be excluded in accordance with the provisions of the  
19 Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) between March 7, 2013, and March 14,  
20 2013, for effective preparation taking into account due diligence so defense counsel can meet with  
21 Mr. Varela with the assistance of an interpreter and also continue with the investigation in this case.  
22 The Court finds that there is good cause and that the ends of justice served by the granting of the  
23 continuance outweigh the best interests of the public and the defendant in a speedy and public trial  
24 and the failure to grant the requested continuance would unreasonably deny counsel the reasonable  
25 time necessary for effective preparation, taking into account due diligence.

26 SO ORDERED.

DATED: 2/28/13

27 \_\_\_\_\_  
28 *Kandis Westmore*  
29 MAGISTRATE KANDIS WESTMORE  
30 United States Magistrate Judge